

From: Pete Loshin
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

To: Renata B. Hess
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

This message is my personal comment on the proposed Microsoft settlement. Very briefly, I believe this settlement is NOT in the public interest, and can only serve to strengthen rather than weaken, Microsoft's monopolies.

Not only will it be ineffective in remedying the harm done by Microsoft's business practices in the past, but it will likely assist Microsoft in the future as it seeks to increase its market share.

Microsoft's licensing practices, in particular the way hardware vendors are required to bundle Microsoft software with new PCs, as well as limited in their practical ability to sell hardware unbundled, tend to artificially inflate hardware costs. Purchasers of hardware must pay for Microsoft Windows whether they plan to use it or not.

Further, the provisions of the proposed settlement that give commercial ventures preference over non-commercial ones is a clear threat to Microsoft's most recent--and most threatening--competitor: the open source software community.

The public interest can not be served by allowing any corporation to control what software or hardware products I use as long as I respect that corporation's intellectual property rights; neither is the public interest served by allowing Microsoft to not only avoid any negative consequences from its actions but to reward it by allowing it to draft its own settlement.

In large part, I agree with Dan Kegel's assessment and his suggestions for improvement, as expressed in his open letter (see <http://www.kegel.com/remedy/letter.html>).

I am a US citizen, as well as an independent writer covering technology and computing. My column on open source software appears monthly in Computer Power User (CPU) Magazine.

submitted respectfully,
-pl

Pete Loshin
41 Brand Street
Arlington MA 02474

```

+-----+
| Pete Loshin                pete@loshin.com |
| +1 781/646-6318           www.Internet-Standard.com |
|                               |
|      writing about Internet protocols since 1988      |
+-----+

```